

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ANDREW NAPPER,)
vs.)
Plaintiff,) 2:09cv928
vs.) Electronic Filing
MICHAEL J. ASTRUE,)
Commissioner of Social Security,) Judge David Stewart Cercone/
Defendant.) Chief Magistrate Judge Amy Reynolds Hay

1 **MEMORANDUM ORDER**

AND NOW, this 25 day of May, 2010, after the plaintiff, Andrew Napper, filed an action in the above-captioned case, and after cross-motions for summary judgment were filed by the parties, and after a Report and Recommendation was filed by the Chief United States Magistrate Judge granting the parties until May, 17, 2010, to file written objections thereto, and no objections having been filed, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the defendant's Motion for Summary Judgment [Document No.13] is GRANTED, and the plaintiff's Motion for Summary Judgment [Document No. 9] is DENIED.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the plaintiff desires to appeal from this Order he must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed. R. App. P.



David Stewart Cercone
United States District Judge

cc: Honorable Amy Reynolds Hay
Chief United States Magistrate Judge

All Counsel of Record by electronic filing